

# RESTORING CONGRESS FOR THE PEOPLE

NEW CONGRESS  
NEW RULES  
January 1<sup>st</sup>, 2019



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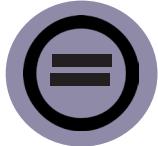
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# EXECUTIVE SUMMARY

During the 115<sup>th</sup> Congress, the Republican Majority set the record for the most closed Congress in our nation's history. By shutting down regular order, the legislative process, and the voices of a majority of Members and the people they represent, the GOP has abdicated its duties. Furthermore, we are in the midst of an Administration that has flaunted its conflicts of interest and a Republican House that turned a blind eye to its constitutional duty to investigate and conduct oversight. Our Democratic rules package will take a strong first step in tackling many of the pressing issues facing our nation.

## I. RESTORE THE PEOPLE'S VOICE

Our rules package restores the American people's voice by emphasizing our Democratic priorities, establishing Member Day hearings so all Members can publicly present their ideas to committees, strengthening congressional representation, protecting our climate, and preserving access to healthcare, among other key changes.

## II. RESTORE THE LEGISLATIVE PROCESS

This package creates a more accommodating process for ideas to be considered. It includes changes that restore regular order, provide Members more time to read bills, create a consensus calendar so bills with broad support can come to the Floor more expeditiously, establish a Select Committee to Modernize Congress, simplify the discharge petition process, and reform the motion to vacate the chair.

## III. RESTORE OVERSIGHT & ETHICS

The Democratic rules package includes reforms that amend the rules to protect whistleblowers, strengthen investigative powers, and prevent conflicts of interest. Through these changes, the legislative branch can reassert itself as a coequal branch of government, restore ethics, and hold the Trump Administration accountable.

## IV. RESTORE BUDGET RULES

After Republicans took control of the House, we repeatedly saw them jam through bills that advance their lopsided priorities of enriching corporations and the wealthy at the expense of low- and middle-income Americans. This rules package eliminates dynamic scoring, eliminates CUTGO, reinstates and modernizes the Gephardt Rule, and ends the public lands giveaway.

## V. RESTORE INCLUSION & DIVERSITY

This Democratic rules package emphasizes diversity and provides an opportunity for all Americans to be included in this institution. We will accomplish these goals by creating an Office of Diversity and Inclusion and a Financial Services subcommittee on diversity, amending the rules to ban discrimination on the basis of sexual orientation and gender identity, and ensuring Members and staff are permitted religious expression.

**Credit is attributed to Members who sponsored or helped develop the ideas in this package.**

# I. RESTORE THE PEOPLE'S VOICE

After years of the Republican Majority abdicating its duty to address the issues important to the American people, the Democratic House rules package will take a strong first step in tackling many of the pressing issues facing our nation.



## RESTORE THE VOTING RIGHTS ACT

First and foremost, we must send to the floor early in the new Congress H.R. 1, *The Government by the People Act*, in order to **restore the Voting Rights Act and counter the influence of big money in politics.**

*(Speaker-designate Pelosi, Rep. Sarbanes, and dozens of Reps.-elect)*

## DEFEND ACCESS TO HEALTHCARE

President Trump and House Republicans have moved administratively, legislatively, and through the courts to relentlessly attack protections for Americans with pre-existing conditions.

The Democratic rules package will authorize the House of Representatives to intervene in litigation to **defend the Affordable Care Act**, including its coverage for pre-existing conditions.

*(Rep.-elect Allred)*

## PROVIDE EVERY MEMBER WITH A VOICE

Require committees to hold a **Member Day hearing**, where all Members — regardless of their tenure or position — are provided the opportunity to publicly present their legislative ideas and proposals in an open hearing.

## CREATE A SELECT COMMITTEE ON THE CLIMATE CRISIS

Establish a **select committee to prioritize** our commitment to addressing **the current climate crisis**.

*(Speaker-designate Pelosi)*

## PROTECT FEDERAL WORKERS

**End the Holman Rule**, which allows appropriations bills or amendments to reduce the salary of or fire a specific federal employee or cut a specific program.

*(Rep. Connolly, Majority Leader-designate Hoyer, Reps. Beyer, Brown, Raskin)*

## STRENGTHEN REPRESENTATION

Change the rules to give **voting rights to Delegates and the Resident Commissioner of Puerto Rico** in the Committee of the Whole. They represent over 4.5 million American citizens who deserve representation in the House.

Ensure Delegates and the Resident Commissioner can be **appointed to joint committees**.

*(Majority Leader-designate Hoyer, Dels. Bordallo, Norton, Plaskett, Sablan, Progressive Caucus)*

## EMPHASIZE LABOR

Change the name of the “Committee on Education and the Workforce” back to its original name, **“Committee on Education and Labor,”** to emphasize our commitment to the millions of hardworking Americans who keep our country running.

*(Chairman-designate Scott, Progressive Caucus)*

## II. RESTORE THE LEGISLATIVE PROCESS

During the 115<sup>th</sup> Congress, the House GOP set the record for the most closed Congress in our nation's history with over 100 closed rules. By reforming the House rules, we will create a more accommodating process to allow diverse ideas to be considered.



## RETURN TO REGULAR ORDER

Require bills that go through the Rules Committee to have a **hearing and a markup** before they go to the floor.

*(Chairman-designate McGovern, Reps. Raskin, Kilmer, New Democrat Coalition)*

## CREATE A CONSENSUS CALENDAR

Creates a new procedure to **expedite consideration of measures with broad support.**

Once a bill receives 290 cosponsors, a clock begins for consideration of the bill.

*(Problem Solvers Caucus)*

## REFORM THE MOTION TO VACATE THE CHAIR

In order to prevent the Speaker from being held hostage by a single Member, this package **reforms the motion to vacate the chair** to a more thoughtful process.

## ALLOW TIME TO READ THE BILL

Require **major bill text to be available for 72 hours** before the bill can proceed to the House Floor for a vote.

The current House rule only requires slightly more than 24 hours of availability.

*(Rep. Kilmer, Progressive Caucus, New Democrat Coalition)*

## STRENGTHEN THE THREE-DAY RULE FOR COMMITTEE MARKUPS

Require committees to provide **three business days' notice** for committee markups.

*(Problem Solvers Caucus)*

## CREATE A SELECT COMMITTEE TO MODERNIZE CONGRESS

Establish a truly bipartisan **select committee** to study ways **to improve and modernize the operation** of Congress.

*(Reps. Kilmer, Lipinski, Sarbanes, New Democrat Coalition)*

## MODERNIZE THE DISCHARGE PETITION

Allow discharge petitions to be considered under a three-day notice process similar to privileged resolutions, in order to **facilitate their use and effectiveness**, while still requiring 218 signatures.

*(Reps. Kilmer, Soto, Progressive Caucus, New Democrat Coalition)*

# III. RESTORE OVERSIGHT & ETHICS

We are in the midst of an Administration that has flaunted their conflicts of interest and a Republican House that turned a blind eye to its constitutional duty to investigate and conduct oversight. The Democratic rules package is an opening salvo for the legislative branch to reassert itself as a coequal branch of government, restore ethics, and hold the Trump Administration accountable to the American people.



## PREVENT NONDISCLOSURE AGREEMENTS FROM PROTECTING HARASSERS

Clarify that a **nondisclosure agreement (NDA)** cannot prohibit **current or former staff from speaking** to the Office of Congressional Workplace Rights, the Ethics Committee, or other relevant offices about workplace rights. The NDA must provide employees with clear guidance on their ability to exercise these rights.

*(Rep.-elect Underwood, Progressive Caucus)*

## ENSURE INVESTIGATION OF CRIMINAL CONDUCT

Require the **Ethics Committee** to empanel an investigative subcommittee, or issue a report within 30 days if a Member, Delegate, or the Resident Commissioner is **indicted or charged with criminal conduct**.

*(Chairman-designate Deutch, Rep. Speier)*

## REFORM OVERSIGHT DEPOSITION RULES

**Reform deposition rules** to ensure that oversight depositions are more effective and consistent across all committees.

Give deposition authority to the Committee on House Administration so they can conduct more effective **oversight over federal elections**.

*(Chairmen-designate Cummings, Nadler, Schiff)*

## STATE THAT INDICTED MEMBERS SHOULD RESIGN FROM LEADERSHIP AND COMMITTEE ASSIGNMENTS

State in the rules that any Member, Delegate, or Resident Commissioner who has been indicted or formally charged with serious criminal conduct **should resign from any committee assignments or leadership position they hold**.

*(Rep. Speier)*

## CLOSE THE CONFLICT OF INTEREST LOOPHOLE

Prohibit Members, Delegates, the Resident Commissioner, officers, and staff **from serving on corporate boards**.

*(Reps. Cicilline, Rice, Sherman)*

## REQUIRE ANNUAL ETHICS TRAINING

Extend the **annual ethics training** requirement to all Members, Delegates, and the Resident Commissioner.

*(Reps. Cicilline and Rice)*

## PROTECT WHISTLEBLOWERS

Provide assistance and training to congressional staff in order to **properly and securely handle whistleblowers** who reach out to congressional offices.

*(Rep. Speier, Progressive Caucus)*

## IV. RESTORE BUDGET RULES

We have witnessed a Republican House that has rigged the rules to justify giving handouts to the richest and most well off in our country at the expense of low- and middle-income Americans. We now have an opportunity, with the Democratic rules package, to return to responsible governance.



## V. RESTORE INCLUSION & DIVERSITY

Public servants working for the People's House should reflect the faces of America. The Democratic rules package will provide an opportunity for all Americans to be included in this great institution.



## PROTECT OUR NATION'S CREDIT

**Reinstate and modernize the Gephardt Rule** so our nation's credit rating is no longer held hostage.

*(Chairman-designate Yarmuth, Progressive Caucus)*

## ELIMINATE CUTGO

**Replace the Republicans' sham budgetary process of CUTGO**—which pretends tax cuts pay for themselves—with PAYGO.

*(Chairman-designate Yarmuth)*

## STOP THE PUBLIC LANDS GIVEAWAY

Reaffirm the Democratic belief that **public lands have value** by ending the Republican policy of allowing Federal lands to be given away for free, without acknowledging the budgetary impact.

*(Chairman-designate Grijalva)*

## STREAMLINE BUDGET RULES

Streamline budget rules by **eliminating dynamic scoring** from the House Rules.

*(Chairman-designate Yarmuth, Progressive Caucus)*

## BAN LGBTQ+ DISCRIMINATION

Amend House rules to unequivocally **ban discrimination** on the basis of **sexual orientation or gender identity**.

*(Speaker-designate Pelosi, Rep. Cicilline)*

## ENSURE RELIGIOUS EXPRESSION

Clarify in the rules that **religious headdress is permitted** to be worn in the House chamber.

*(Speaker-designate Pelosi, Rep.-elect Omar, Chairman-designate McGovern)*

## DETER DISCRIMINATION

Require Members to **reimburse taxpayers for discrimination settlements**.

*(Rep. Richmond, Congressional Black Caucus)*

## PRIORITIZE DIVERSITY

Create an **Office of Diversity and Inclusion** to facilitate a diverse workforce that is reflective of our Members and the districts they represent.

*(Speaker-designate Pelosi, Chairman-designate McGovern, Chairwoman-designate Lofgren, Reps. Hastings, Torres, Wasserman Schultz, Progressive Caucus)*

## CREATE A SUBCOMMITTEE ON DIVERSITY

Create a Financial Services subcommittee to **oversee diversity and inclusion** within the financial services space.

*(Chairwoman-designate Waters)*

# HOW THESE IDEAS WERE DEVELOPED

In crafting this rules package, Democrats on the Rules Committee consulted with Members and a wide variety of stakeholders in order to capture a range of ideas and suggestions to create a more inclusive and accommodating set of rules. Throughout this process, we solicited ideas from Members by distributing dear colleague letters to all Members and their staff, presenting the proposed package at Caucus meetings, Staff Director meetings, and Legislative Director meetings. Additionally, over the past several months, we engaged with individual Members about our process during floor votes. This package reflects the feedback we received during this extensive outreach effort.

## MEMBER ENGAGEMENT

### Throughout our process:

- Democratic Rules Members spoke to several caucuses including the **Congressional Progressive Caucus**; the **Congressional Black Caucus**; the **Congressional Hispanic Caucus**, the **Democratic Women's Working Group**; the **New Democrat Coalition**; the **Blue Dog Coalition**; and members of the **Congressional Asian Pacific American Caucus** and the **Problem Solvers Caucus**.
- Several caucuses that we reached out to did not have a regularly scheduled meeting so we spoke to their Members individually and with caucus staff.

## ENGAGEMENT WITH PROCESS EXPERTS

### We engaged with experts including:

- Staff of all House Committees and Floor staff
- The Parliamentarian and staff
- The Director of the Congressional Budget Office and staff
- Staff from the Clerk of the House
- Office of the General Counsel
- Staff from the Congressional Research Service and
- Staff from Legislative Counsel

## ENGAGEMENT WITH OUTSIDE GROUPS

### We met with groups engaged in the rules change process, including:

- Demand Progress
- The Bipartisan Policy Center
- The Rebuild Congress Initiative (affiliated with Harvard and Issue One)
- The Government Accountability Project
- The National Association of Latino Elected and Appointed Officials
- Make It Safe Coalition
- Public Citizen and
- Project on Government Oversight
- Center for American Progress

Desire to copy

ture domestic Tranquillity provide for the  
and our Posterity, do ordain and establish in the

Year of Repression

Section 2. The Congress shall have Power  
in each State shall be admitted into the Union  
No Person shall be deprived of his Liberty  
and who shall not, whenever he shall be  
Representatives and direct Taxes  
Numbers which shall be determined by  
and three fifths of all other Persons  
subsequent to the first Census by which  
the same shall be made.



**U.S. Constitution, Article One, Section 5**

“

**Each House may determine the rules of  
its proceedings...**

